

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-30 and 41-56 are currently pending, with Claims 51 and 52 withdrawn as directed to non-elected inventions. Claims 1, 6, 11, 16, 21, 26, 41, and 46 have been amended; and Claims 54-56 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-30, 41-50, and 53 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0202193 to Yokochi (hereinafter “the ‘193 application”).

Amended Claim 1 is directed to an image processing apparatus for generating graphics data according to picture description instructions based on original image data of full color, comprising: (1) a chromatic tester configured to determine whether a pixel of the original image data is chromatic or achromatic; (2) an obtainer configured to determine whether an image property of the pixel indicates the pixel is characteristic of a photograph, when the pixel is determined as achromatic by the chromatic tester; (3) a color converter configured to convert the pixel into CMYK data for printing according to one of a plurality of predetermined converting conditions; and (4) a converting condition designator configured to designate one of the plurality of predetermined converting conditions for the pixel determined as a chromatic, a second one of the predetermined converting conditions when the pixel is determined as achromatic and the image property of the pixel indicates the pixel is not characteristic of a photograph, and the first one of the predetermined converting conditions when the pixel is determined as achromatic and the image property of the pixel indicates the

pixel is characteristic of a photograph. Claim 1 has been amended for the purpose of clarification only and no new matter has been added.¹

Applicant respectfully submits that the rejection of Claim 1 (and dependent Claims 2-10 and 53) as anticipated by the '193 application is rendered moot by the present amendment to Claim 1.

The '193 application is directed to an image processing device configured to determine whether or not a subject pixel is achromatic by judging the chroma component of a judgment pixel. Further, the '193 application discloses that a code indicating that the judgment pixel is on a black pixel is added to those pixels that are determined to be achromatic, including fine line pixels and edge pixels. As shown in the flowchart of Figure 7, the '193 application discloses that, in the process of converting RGB data, the system executes black character detection processing (Step S11), a color conversion processing (S14), and a black generation processing (S15). Further, the '193 application discloses that, in the black generation processing S15, the system determines whether the print data has a black code associated with it, which is set by the black character detection processing S11. As shown in Figure 8, the '193 application discloses that, if the black code is present for the pixel, the CMYe data is replaced with K data for printing the pixel in black monochrome ink only. Otherwise, the '193 application discloses that CMYK data is generated from the initial CMYe data. Thus, the '193 application discloses that if the pixel detection processing S11 determines that a subject pixel is an achromatic pixel, then the generation processing step S15 determines K data for printing the pixel in monochrome ink only, while if the black character detection processing S11 does not determine that the pixel is an achromatic pixel, CMYK data is determined for the pixel.

¹See, e.g., pages 16 and 17 in the specification.

However, Applicant respectfully submits that the '193 patent fails to disclose an obtainer configured to determine whether an image property of the pixel indicates the pixel is characteristic of a photograph, when the pixel is determined as achromatic by the chromatic tester, as recited in amended Claim 1. Applicant respectfully submits that the '193 patent is silent regarding determining whether an image property of a pixel indicates the pixel is characteristic of a photograph, as required by Claim 1.

Further, Applicant respectfully submits that the '193 application fails to disclose a converting condition designator configured to designate (1) a first one of the predetermined converting conditions for the pixel determining is chromatic, (2) a second one of the predetermined converting conditions when the pixel is determined as achromatic and an the image property of the pixel indicates the pixel is not characteristic of a photograph, and (3) the first one of the predetermined converting conditions when the pixel is determined as achromatic and the image property of the pixel indicates the pixel is characteristic of a photograph, as recited in amended Claim 1. As discussed above, the '193 application fails to disclose determining whether an image property of the pixel indicates the pixel is characteristic of a photograph, and thus must also fail to disclose the designations that are based upon whether the image property of the pixel is characteristic of a photograph, as recited in Claim 1.

Accordingly, for the reasons stated above, Applicant respectfully submits that Claim 1 (and all associated dependent claims) patentably defines over the '193 application.

Independent Claim 11 is directed to an image processing apparatus that includes obtaining means for determining whether an image property of a pixel indicates the pixel is characteristic of a photograph, when the pixel is determined as achromatic. Further, Claim 21 is directed to a graphics data processing method that includes the step of determining whether an image property of the pixel indicates the pixel is characteristic of a photograph

when the pixel is determined as achromatic, while Claim 41 is directed to a computer-readable medium storing computer instructions that cause the computer to determine whether an image property indicates a pixel is characteristic of a photograph when the pixel is determined as achromatic. As discussed above, the '193 application fails to disclose this limitation. Accordingly, for the reasons stated above, Applicant respectfully submits that the rejections of Claims 11, 21, and 41 (and all associated dependent claims) are rendered moot by the present amendment to the independent claims.

The present amendment also sets forth new dependent Claims 54-56 for examination on the merits. New Claim 54, which depends from Claim 1, clarifies that the image processing apparatus includes means for expanding text or graphics data into bitmap data based on color instruction data prior to testing the bit map data using the chromatic tester. Further, new Claim 55 clarifies that the image processing apparatus further includes means for determining the image property of the pixel based on user input to the image processing apparatus. Also, new Claim 56, which depends from Claim 1, clarifies that the image processing apparatus includes means for determining the image property of the pixel by examining area information of an object specified in the picture description instructions. New Claims 54-56 are supported by the originally filed specification and do not add new matter.²

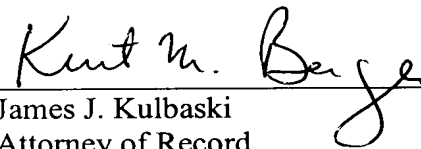
Thus, it is respectfully submitted that independent Claims 1, 11, 21, and 41 (and all associated dependent claims) patentably define over the '193 application.

² See page 17, line 1 through page 18, line 5 in the original specification.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Kurt M. Berger", is written over a horizontal line.

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